

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
NICOLE L. RUDOLPH	)	Case No. 1:19-CV-149
a/k/a NICOLE RUDOLPH,	)	
	)	
Defendant.	)	

COMPLAINT

The plaintiff, United States of America, complains of the defendant above named and for cause of action alleges and says:

1. The Plaintiff is the United States of America, and the Court has jurisdiction of this action pursuant to Title 28, United States Code, Section 1345.
2. The Defendant resides within Hancock County, State of Indiana, in the Southern District of Indiana.
3. The Defendant is indebted to the Plaintiff in the principal sum of \$27,485.05, plus interest accruing at the rate of 7.63% computed from June 19, 2003, the date of default, until judgment. Said debt is more fully described in Certificate of Indebtedness, a copy of which is attached hereto, made a part hereof and marked Exhibit 1. The debt remains due and owing.

4. The Plaintiff has made a demand upon the Defendant for the above sum, and the Defendant has neglected and refused to pay same and persists in that refusal.

5. This amount is a debt to the United States as defined in the Federal Debt Collection Procedures Act of 1990, 28 U.S.C. §§ 3001-3308. *See* 28 U.S.C. § 3002(3)(B).

WHEREFORE, the United States of America prays to recover of and from the Defendant the principal sum of \$27,485.05, plus interest computed from date of default, June 19, 2003, to June 22, 2018, at the rate of 7.63% per annum, in the sum of \$22,232.18, for a total of \$49,717.23, plus interest to date of judgment at the rate of 7.63% per annum, plus interest at the prevailing rate after judgment until paid, costs of this action, and for all other just and proper relief.

JOSH J. MINKLER  
United States Attorney

By: s/ Shelese Woods  
Shelese Woods  
Assistant United States Attorney

Office of the United States Attorney  
10 West Market Street  
Suite 2100  
Indianapolis, Indiana 46204  
Telephone: 317-226-6333

U. S. DEPARTMENT OF EDUCATION  
SAN FRANCISCO, CALIFORNIA

CERTIFICATE OF INDEBTEDNESS #1 OF 1

NICOLE L RUDOLPH  
AKA NICOLE RUDOLPH  
1521 N 400 W  
GREENFIELD, IN 46140  
Account No.XXXXXX3030

I certify that U.S. Department of Education records show that the BORROWER named above is indebted to the United States in the amount stated below plus additional interest from 06/22/18.

On or about 01/24/00, the BORROWER executed a promissory note to secure a Federal Family Education Loan Program Consolidation loan from SALLIE MAE/SMART LOAN, WILKES-BARRE, PA. This loan was disbursed for \$25,641.31 on 02/22/00 at 7.63 % interest per annum. The loan obligation was guaranteed by NEW YORK STATE HIGHER EDUCATION SERVICES CORPORATION, and then reinsured by the Department of Education under loan guaranty programs authorized under Title IV-B of the Higher Education Act of 1965, as amended, 20 U.S.C. 1071 et seq. (34 C.F.R. Part 682). The holder demanded payment according to the terms of the note, and credited \$0.00 to the outstanding principal owed on the loan. The BORROWER defaulted on the obligation on 06/19/03, and the holder filed a claim on the loan guarantee.

Due to this default, the guaranty agency paid a claim in the amount of \$27,485.05 to the holder. The guarantor was then reimbursed for that claim payment by the Department under its reinsurance agreement. Pursuant to 34 C.F.R. § 682.410(b)(4), once the guarantor pays on a default claim, the entire amount paid becomes due to the guarantor as principal. The guarantor attempted to collect this debt from the BORROWER. The guarantor was unable to collect the full amount due, and on 05/09/13, assigned its right and title to the loan to the Department.

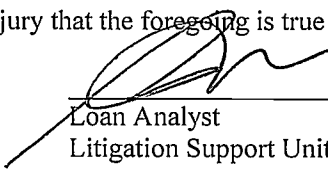
Since assignment of the loan, the Department has credited a total of \$0.00 in payments from all sources, including Treasury Department offsets, if any, to the balance. After application of these payments, the BORROWER now owes the United States the following:

Principal:	\$27,485.05
Interest:	\$22,232.18
Total debt as of 06/22/18:	\$49,717.23

Interest accrues on the principal shown here at the rate of \$5.74 per day.

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct.

Executed on: 7/2/18

  
Loan Analyst  
Litigation Support Unit

Brad Yoder  
Loan Analyst



The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Shelese Woods, Assistant United States Attorney

10 W. Market Street #2100, Indianapolis, IN 46217

317-226-6333

DEFENDANTS

Nicole L. Rudolph aka Nicole Rudolph

County of Residence of First Listed Defendant

Hancock

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

X 1 U.S. Government Plaintiff

3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant

4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State

PTF DEF 1 1

Incorporated or Principal Place of Business In This State

PTF DEF 4 4

Citizen of Another State

2 2

Incorporated and Principal Place of Business In Another State

5 5

Citizen or Subject of a Foreign Country

3 3

Foreign Nation

6 6

IV. NATURE OF SUIT

(Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<div>110 Insurance</div> <div>120 Marine</div> <div>130 Miller Act</div> <div>140 Negotiable Instrument</div> <div>150 Recovery of Overpayment &amp; Enforcement of Judgment</div> <div>151 Medicare Act</div> <div>X 152 Recovery of Defaulted Student Loans (Excl. Veterans)</div> <div>153 Recovery of Overpayment of Veteran's Benefits</div> <div>160 Stockholders' Suits</div> <div>190 Other Contract</div> <div>195 Contract Product Liability</div> <div>196 Franchise</div>	<div>PERSONAL INJURY</div> <div>310 Airplane</div> <div>315 Airplane Product Liability</div> <div>320 Assault, Libel &amp; Slander</div> <div>330 Federal Employers' Liability</div> <div>340 Marine</div> <div>345 Marine Product Liability</div> <div>350 Motor Vehicle</div> <div>355 Motor Vehicle Product Liability</div> <div>360 Other Personal Injury</div> <div>PERSONAL INJURY</div> <div>362 Personal Injury - Med. Malpractice</div> <div>365 Personal Injury - Product Liability</div> <div>368 Asbestos Personal Injury Product Liability</div> <div>PERSONAL PROPERTY</div> <div>370 Other Fraud</div> <div>371 Truth in Lending</div> <div>380 Other Personal Property Damage</div> <div>385 Property Damage Product Liability</div>	<div>610 Agriculture</div> <div>620 Other Food &amp; Drug</div> <div>625 Drug Related Seizure of Property 21 USC 881</div> <div>630 Liquor Laws</div> <div>640 R.R. &amp; Truck</div> <div>650 Airline Regs.</div> <div>660 Occupational Safety/Health</div> <div>690 Other</div> <div>LABOR</div> <div>710 Fair Labor Standards Act</div> <div>720 Labor/Mgmt. Relations</div> <div>730 Labor/Mgmt.Reporting &amp; Disclosure Act</div> <div>740 Railway Labor Act</div> <div>790 Other Labor Litigation</div> <div>791 Empl. Ret. Inc. Security Act</div> <div>IMMIGRATION</div> <div>462 Naturalization Application</div> <div>463 Habeas Corpus - Alien Detainee</div> <div>465 Other Immigration Actions</div>	<div>422 Appeal 28 USC 158</div> <div>423 Withdrawal 28 USC 157</div> <div>PROPERTY RIGHTS</div> <div>820 Copyrights</div> <div>830 Patent</div> <div>840 Trademark</div> <div>SOCIAL SECURITY</div> <div>861 HIA (1395ff)</div> <div>862 Black Lung (923)</div> <div>863 DIWC/DIWW (405(g))</div> <div>864 SSID Title XVI</div> <div>865 RSI (405(g))</div> <div>FEDERAL TAX SUITS</div> <div>870 Taxes (U.S. Plaintiff or Defendant)</div> <div>871 IRS—Third Party 26 USC 7609</div>	<div>400 State Reapportionment</div> <div>410 Antitrust</div> <div>430 Banks and Banking</div> <div>450 Commerce</div> <div>460 Deportation</div> <div>470 Racketeer Influenced and Corrupt Organizations</div> <div>480 Consumer Credit</div> <div>490 Cable/Sat TV</div> <div>810 Selective Service</div> <div>850 Securities/Commodities/Exchange</div> <div>875 Customer Challenge 12 USC 3410</div> <div>890 Other Statutory Actions</div> <div>891 Agricultural Acts</div> <div>892 Economic Stabilization Act</div> <div>893 Environmental Matters</div> <div>894 Energy Allocation Act</div> <div>895 Freedom of Information Act</div> <div>900Appeal of Fee Determination Under Equal Access to Justice</div> <div>950 Constitutionality of State Statutes</div>
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<div>210 Land Condemnation</div> <div>220 Foreclosure</div> <div>230 Rent Lease &amp; Ejectment</div> <div>240 Torts to Land</div> <div>245 Tort Product Liability</div> <div>290 All Other Real Property</div>	<div>441 Voting</div> <div>442 Employment</div> <div>443 Housing/Accommodations</div> <div>444 Welfare</div> <div>445 Amer. w/Disabilities - Employment</div> <div>446 Amer. w/Disabilities - Other</div> <div>440 Other Civil Rights</div>	<div>510 Motions to Vacate Sentence</div> <div>Habeas Corpus:</div> <div>530 General</div> <div>535 Death Penalty</div> <div>540 Mandamus &amp; Other</div> <div>550 Civil Rights</div> <div>555 Prison Condition</div>		

V. ORIGIN

(Place an "X" in One Box Only)

X 1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from another district (specify)

6 Multidistrict Litigation

7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 USC 1345

Brief description of cause:

Defaulted Student Loan

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:

Yes X No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

1/15/19

s/ Shelese Woods

SIGNATURE OF ATTORNEY OF RECORD

Shelese Woods, Assistant United States Attorney

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT

SOUTHERN

District of

INDIANA

UNITED STATES OF AMERICA

SUMMONS IN A CIVIL CASE

V.

NICOLE L. RUDOLPH  
a/k/a NICOLE RUDOLPH

CASE NUMBER: 1:19-cv-149

TO: (Name and address of Defendant)

Nicole L. Rudolph  
a/k/a Nicole Rudolph  
1521 N 400 W  
Greenfield, IN 46140

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Shelese M. Woods  
Assistant United States Attorney  
10 West Market Street  
Suite 2100  
Indianapolis, IN 46204  
317-226-6333

an answer to the complaint which is herewith served upon you, within 21 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court, 46 East Ohio Street, Room 105, Indianapolis, Indiana 46204, within a reasonable period of time after service.

CLERK

DATE

(By) DEPUTY CLERK

**RETURN OF SERVICE**

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE
NAME OF SERVER ( <i>PRINT</i> ) Tracy L. Jones	TITLE Supervisory Paralegal Specialist
<i>Check one box below to indicate appropriate method of service</i>	
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____ _____ <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. name of person with whom the summons and complaint were left: _____ <input type="checkbox"/> Returned unexecuted: _____ _____ <input type="checkbox"/> Other (specify): _____ _____ _____	
<b>STATEMENT OF SERVICE FEES</b>	
TRAVEL	SERVICES
<b>DECLARATION OF SERVER</b>	
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.  Executed on _____ Date _____ Signature of Server _____  _____ Office of the U.S. Attorney, 10 W. Market St., Indianapolis, IN Address of Server	

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.